IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3821 of 2005

Between:

1 The Government of A.P., rep. by its Prl. Secretary, Home

(Police-A) Dept., Secretariat, Hyderabad.
2 The Director General of Police, A.P., Hyderabad.
3 The Commandant, 7th Bn. APSP., Dichpally, Nizamabad

District.

.... PETITIONERS

AND

1 K. Kattaiah,
2 M. Devadass.
3 P. Raja Mouli,
4 G. Bondaiah,
5 Smt. Vijaya Laxmi,
6 B. Uppalaiah,
7 Smt. T. Suvarna,
8 K. Devaiah,
9 Smt. K. Lakshmi,
10 K. Ramulu,
11 Smt. S. Veeralaxmi,
12 K. Batchaiah,
13 K. Odelu,
14 B. Laxman,
15 M.A. Appanna,
16 Thata Rao,
17 Smt. B. Yellamma,

18 Smt. E. Laxmi Devi,
19 Smt. K. Laxmi,
20 Kumari Devi,
(All the applicants are working as Last Grade Employees O/o. the Commandant, 7th Bn. APSP., Dichpally, Nizamabad District).

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of certiorari Calling for the records connected with order dt. 4.3.2004 in O.A.No. 1766/99 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law and pass such other order or orders.

Counsel for the Petitioner:GP FOR SERVICES I

Counsel for the Respondents: B.Nageswara Rao

The Court made the following :

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ORAL ORDER:- **(PER GB,J.)**

The Writ Petition is filed by the Government assailing the order, dated 04.03.2004, passed by the A.P. Administrative Tribunal in M.A.No.2395 of 2000.

2. The matter relates to regularization of services of the contingent employees. Their services were regularized in pursuance of the directions issued by the Government from time to time, but however, audit having objected the same, the order came to be passed by the authorities converting them to contingent employees again. The said

order came to be challenged in the O.A.

3. The Tribunal by an order, dated 04.03.2004, allowed the O.A. and disposed of the M.A., against which the present Writ Petition has been filed.

4. Learned Government Pleader submits that the order of the Tribunal is not sustainable inasmuch as the employees are not entitled for regularization of their services. Therefore, the order is liable to be set aside.

5. We are unable to accept the contention raised by the learned Government Pleader.

6. The Tribunal discussed this issue in Para No.6 of its order, which is extracted below:

> "6. On a careful consideration of the submissions made by both sides and also the material on record, the fact that the Government has issued Memo, dated 3.7.1989 directing the DG & IGP to take steps to convert the Full time contingent employees in APSP VII Bn provided they fulfill certain conditions which are enumerated above is not disputed. Further, the fact that the 2nd respondent directed R-3 to take necessary steps in the matter, as is evident from the Endt.L.Dis.No.149/S4/89, dt.18.7.1989 is also not disputed. R-2 while directing R-3 requested him to absorb the 22 menials i.e. Full time contingent employees into last grade service prospectively as indicated in the GO and report compliance. So, what all R-3 did was that he had complied the orders of R-2 scrupulously. Thereafter also after implementing the Government orders R-3 also issued orders declaring the probation of the applicants. Further, it is not the case of the respondent in the counter that the applicants did not fulfill the conditions laid down by the Government in its Memo dated 3.7.1989. The only stand taken by R-2 is that it is the Government, which can alone pass orders absorbing the services of menials into Last Grade Service. When once, the Government had directed R-2 to take steps fixing guidelines and when R-2 has followed those orders and directed R-3 take followup action, there is no reason why again R-2 has issued the impugned orders after long lapse of 10 years directing R-3 to revert the applicants as menials. Further, there is also no counter forthcoming either from the R-2 or from the Government who are very much parties to this O.A. In this view of the matter, the impugned orders of R-2

dated 9.3.1999 and the consequential orders of R-3 dated 30.3.1999 are hereby set aside and the OA is allowed. M.A.No.2395 of 2000 stands disposed of accordingly."

7. In view of the findings of the Tribunal, and the submissions made by the learned Government Pleader, we are not inclined to interfere with the order of Tribunal.

8. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 18.03.2005

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To

1 The Principal Secretary, Home (Police-A) Dept.,

Government of A.P., Secretariat, Hyderabad.
2 The Director General of Police, A.P., Hyderabad.
3 The Commandant, 7th Bn. APSP., Dichpally, Nizamabad

District.

4 2 CCs to G.P for Services-I, High Court Blds,Hyd.(OUT)

5 2 CD copies